

AQ 91 (Rev. 11/11) Criminal Complaint

United States District Court
Southern District of Texas
FILED

DEC 13 2019

UNITED STATES DISTRICT COURT

for the

David J. Bradley, Clerk

Southern District of Texas

United States of America

v.

Miguel GOMEZ

YOB: 1991

United States Citizen

Case No. M-19-3069-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 12, 2019 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

18 USC § 922(g)(1)

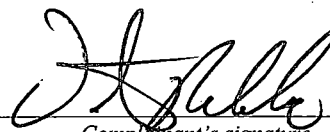
Unlawful possession of a firearm or ammunition, which has affected interstate commerce, by an individual having been convicted in any court of a crime punishable by imprisonment for a term exceeding one year.

This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet.

Approved:

Robert W. Allen, AUSA
12/13/2019

Complainant's signature

Vincent Rubbo, ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/13/19 - 8:14 A.M.

Judge's signature

City and state: McAllen, Texas

Juan F. Alanis, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

The facts establishing the foregoing issuance of an arrest warrant are based on the following:

I, Special Agent Vincent Rubbo, affiant, do hereby depose and state the following:

1. I am a Special Agent of the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I have been a law enforcement officer since January of 2015. My duties include the investigation of violations of the federal firearms laws. I know it to be unlawful for any person who is a convicted felon, to possess or receive a firearm which has been shipped or transported in interstate or foreign commerce. This criminal complaint is based on the following facts:
2. On December 12, 2019, Homeland Security Investigations (HSI) Special Agents (SAs) and HSI Task Force Officers (TFOs), obtained written consent to search the current residence of Miguel GOMEZ located in Weslaco, Texas. As a result of the consent search, Officers discovered a .38 caliber Derringer type pistol and seventeen (17) rounds of assorted caliber ammunition in GOMEZ' bedroom. GOMEZ was subsequently arrested by HSI SAs.
3. During a post arrest Miranda interview, GOMEZ admitted to unlawfully receiving and possessing the firearm and ammunition after having been convicted of a felony. GOMEZ stated he paid \$20 for the firearm. In addition, GOMEZ stated he kept the firearm for his and his family's protection. Furthermore, GOMEZ stated he was previously arrested by ATF and incarcerated for 36 months for violation of a Federal firearms statute.
4. GOMEZ knowingly having been convicted of a crime punishable by imprisonment for a term exceeding one year, namely, in the United States District Court, Southern District of Texas, on August 29, 2011, in case number 7:11CR00072-001, for Making a false statement or representation to a firearms dealer in the acquisition of a firearm, did knowingly and unlawfully possess in and affecting interstate or foreign commerce, 17 rounds of ammunition and one firearm, namely, a Firearms Import & Export (FIE), model D38 Derringer, .38 caliber pistol, Serial Number: D61016.
5. Lastly, an ATF Special Agent firearms Interstate Nexus Expert examined the firearm and ammunition and determined the firearm and assorted caliber ammunition were manufactured outside the state of Texas therefore traveled in and affected interstate or foreign commerce.